

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

NATALIE ADAMS,
Plaintiff,

v.

ABSOLUTE CONSULTING, INC.,
Defendant.

6:20-CV-01099-ADA-DTG

ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland. ECF No. 84. The Report recommends that this Court grant-in-part Defendant Absolute Consulting, Inc.'s Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(2). *Id.* at 1. The Report and Recommendation was filed on April 27, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed objections on May 11, 2023. ECF No. 89. Defendant Absolute Consulting, Inc. also filed objections on May 11, 2023. ECF No. 90. Plaintiff then filed a response to Defendant Absolute Consulting, Inc.'s objections on May 25, 2023. ECF No. 92. The Court has conducted a *de novo* review of the Motion to Dismiss, the responses, the report and recommendation, the objections to the report and recommendation, the response to the objections, and the applicable


laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Gilliland (ECF No. 84) is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's and Defendant Absolute Consulting, Inc.'s objections are **OVERRULED**.

IT IS FURTHER ORDERED that Defendant Absolute Consulting, Inc.'s Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(2) (ECF No. 35) is **GRANTED** as to the timely filed out-of-state Plaintiffs and **DENIED** as to the out-of-state plaintiffs who were not timely petitioned for dismissal in accordance with the Report and Recommendation.

SIGNED this 7th day of June, 2023.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE